

# Notice of Allowability

Application No.

09/991,807

Examiner

Jason P. Salce

Applicant(s)

DUDKIEWICZ ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2007.
2. ☒ The allowed claim(s) is/are 1,2,4-6,10-12,14-16,20-32,35,37-40 and 42-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

***Allowable Subject Matter***

Claims 1-2, 4-6, 10-12, 14-16, 20-32, 35, 37-40 and 42-44 are allowed.

The following is an examiner's statement of reasons for allowance:

In regards to independent claims 1, 11, 35 and 40, the prior art of record fails to anticipate or rendered obvious the combined element/steps of "assigning, by the programmable device, respective goodness of fit scores to respective predefined categories based on analysis of the production data to describe the subject matter of the video program, wherein the numerical goodness of fit score assigned to a category represents a degree to which the category is descriptive of the subject matter of the video program" in conjunction with "wherein said predefined categories are subject matter categories arranged in a hierarchy comprising at least a set of top-level categories, respective sets of first level sub-categories each corresponding to and encompassed by a top-level category, and respective sets of second level sub-categories each corresponding to and encompassed by a first level sub-category".

In regards to claims 21 and 27, the prior art of record fails to anticipate or rendered obvious the combined element/steps of "providing candidate keywords as respective inputs to a classification tool and generating for each of said candidate keywords a set of numerical goodness of fit scores each corresponding to a predefined subject matter category, where the numerical goodness of fit score corresponding to a category represents a degree to which the category is descriptive of the candidate keywords" in conjunction with "wherein said predefined categories are subject matter categories arranged in a hierarchy comprising at least a set of top-level categories,

respective sets of first level sub-categories each corresponding to and encompassed by a top-level category, and respective sets of second level sub-categories each corresponding to and encompassed by a first level sub-category".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

In regards to independent claims 1, 11, 35 and 40, as argued by Applicant on Page 14, Hullinger's hierarchy in Figure 6 discloses multiple scores tables where each level of the hierarchy is not a **subject matter category**.

In regards to independent claims 21 and 27, again Hullinger's hierarchy in Figure 6 discloses multiple scores tables where each level of the hierarchy is not a **subject matter category**.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
09/991,807  
Art Unit: 2623

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

January 5, 2008

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the printed name and title of the Primary Examiner.